

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE
COMPANY, JOHN HANCOCK
VARIABLE LIFE INSURANCE
COMPANY and MANULIFE
INSURANCE COMPANY,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

CIVIL ACTION NO. 05-11150-DPW

**DEFENDANT ABBOTT LABORATORIES' MOTION TO MODIFY
SCHEDULING ORDER (ASSENTED TO)**

Defendant Abbott Laboratories ("Abbott") hereby moves, pursuant to Local Rule 16.1(G), to modify the Scheduling Order issued by the Court on April 5, 2006 (the "Scheduling Order"). Abbott has met and conferred with counsel for plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and ManuLife Insurance Company (f/k/a Investors Partner Life Insurance Company) (collectively, "John Hancock") regarding this motion. John Hancock has authorized Abbott to state that John Hancock assents to this motion and to the modification of the scheduling order proposed below, subject to the approval of the Court. Grounds for this motion are as follows:

1. Munger, Tolles & Olson LLP ("Munger, Tolles") is substituting in as

counsel of record for Abbott, replacing Abbott's former counsel of record, Winston & Strawn LLP. Concurrently herewith, Abbott has filed a substitution of counsel and motions for the admission to this Court *pro hac vice* of attorneys from Munger, Tolles.

2. Given the complexity and length of the record relating to this case, Munger, Tolles respectfully requires a very modest enlargement of time to become sufficiently familiar with the matter to represent Abbott effectively and efficiently.

3. Accordingly, subject to the approval of the Court, Abbott proposes extending most of the various deadlines in the existing case schedule by only approximately thirty days. The two exceptions are the deadlines for the submission of expert reports and of rebuttal expert reports, each of which the parties propose to extend by thirty-seven days. Granting the requested extensions will allow Munger, Tolles to develop its understanding of the facts and the law so as to permit it to proceed as efficiently as possible going forward. In addition, the parties have agreed to utilize Munger, Tolles' appearance in the case and the proposed extension period to attempt to resolve several outstanding discovery disputes and, if the parties cannot reach agreement on all such disputes, to bring any remaining disputes to the Court's attention promptly after the end of the thirty-day period.

4. Specifically, Abbott requests an extension of the deadlines in the existing case schedule as follows:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
All discovery completed	November 1, 2006	December 1, 2006
Expert proffers	July 14, 2006	August 14, 2006

Expert reports	August 8, 2006	September 15, 2006
Rebuttal expert reports	September 15, 2006	October 22, 2006
Dispositive motions submitted	December 7, 2006	January 8, 2007
Responses to dispositive motions	January 10, 2007	February 9, 2007
Replies to responses	February 1, 2007	March 1, 2007
Further scheduling conference	February 22, 2007	March 26, 2007
Status report	February 15, 2007	March 19, 2007

As aforesaid, Abbott respectfully believes, and hereby represents, that the brief requested enlargement of time will ultimately inure to the Court's and parties' benefit by enhancing the efficient presentation of this case.

WHEREFORE, Abbott respectfully requests that the Court grant this Motion to Modify the Scheduling Order for the reasons stated above.

ABBOTT LABORATORIES
By their attorneys,

/s/ Michael S. D'Orsi
Peter E. Gelhaar (BBO No. 188310)
Michael S. D'Orsi (BBO No. 566960)
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street, 33rd Floor
Boston, MA 02108
(617) 720-2880
peg@dcglaw.com
msd@dcglaw.com

/s/ Gregory D. Phillips
Jeffrey I. Weinberger (SBN 056214)
Gregory D. Phillips (SBN 118151)
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560
Telephone: (213) 683-9100
Jeffrey.Weinberger@mto.com
Gregory.Phillips@mto.com

Date: July 26, 2006

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

The undersigned hereby certifies counsel for Abbott Laboratories has conferred with counsel for John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and ManuLife Insurance Company ("John Hancock") and John Hancock assents to this Motion.

/s/Michael S. D'Orsi
Michael S. D'Orsi

Dated: July 26, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 26, 2006.

/s/ Michael S. D'Orsi
Michael S. D'Orsi

Dated: July 26, 2006